INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU2004/001341

A CLASSIFICATION OF SUBJECT MATTER Int. Cl. ** A61K 3574, 4782, 47142 According to International Patent Classification (IPC) or to both national classification and IPC B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI and Medline - IPC A61K & Keywords (probiotic, protein, carbohydrate, capsule) and like terms C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. X (see page 4, lines 21-33; page 5, lines 11-26; page 8, line 14 – page 9, line-19; claims) X (see page 3, lines 6-23; page 7, lines 10-12; page 34, lines 10-20; claims 18-21, 23 and 31) X (wO 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (uS 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (uS 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (uS 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (uS 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see page 3 lines february 2003 lines 1-18; claims 10-12; page 34, lines 10-20; claims 1, 13 and 23 Line Further documents are listed in the continuation of Box C					
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B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI and Mediline - IPC AGIK & Keywoods (probiotic, protoin, carbohydrale, capsule) and like terms C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. X (see page 4, lines 21-33; page 5, lines 11-26; page 8, line 14 – page 9, line-19; claims) I - 15 WO 2003/010299 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 6-23; page 7, lines 10-12; page 34, lines 10-20; claims 18-21, 23 and 31) X (WO 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) X (US 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (See page 18 (1046), [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 L-15 X See patent family annex *A* Special categories of cited documents used on the art which is anternational filing date "It" document which may throw doubts on priority claim(s) or which is cited to enablish the publication date of another citations or other special reason (as specified) To document referring to a north decicious context special reason (as specified) To document referring to a north decicious context specified in the continuous of the art which is an attended to be of particular relevance, the claimed invention cannot be considered to be considered to be contented to be continuous or the special reason (as specified) To document relations or other special reason (as specified) To document relations or other special reason (as specified) To document republished prior to the inte	Int. Cl. 7:	A61K 35/74, 47/26, 47/42			
Minimum documentation searched (classification system followed by classification symbols) Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI and Medline - PC A61K & Keywords (probiotic, protein, carbohydrate, capsule) and like terms C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. X (WO 2003/0126687 A1 (Nutraccutix Inc) 3 April 2003 (see page 4, lines 21-33; page 5, lines 11-26; page 8, line 14 – page 9, line 19; claims) 1-15 X (WO 2003/010299 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 6-23; page 7, lines 10-12; page 34, lines 10-20; claims 18-21, 23 and 31) X (WO 2003/010297 A1 (Alimentary Health Limited) 6 February 2003 (see page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) X (See page 4, lines 10-12; page 34, lines 10-20; claims 1, 13 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 4, lines 10-12; page 34, lines 10-20; claims 1, 13 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 3, lines 1-18; claims 17-21 and 23) 1-15 X (See page 4, lines 10-16; claims 1, 13 and 23) 1-15 X (See page 4, lines 10-16; claims 1, 13 and 23) 1-15 X (See page 4, lines 10-16; claims 1, 13 and 23) 1-15 X (See page 6, lines 10-16; claims 1, 13 and 23) 1-16 X (See page 7, lines 10-16; claims 1, 13 and 23) 1-17 A (See page 8, l	According to I	nternational Patent Classification (IPC) or	to both na	tional classification and IPC	
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI and Medline - IPC A61K & Keywords (probiotic, protein, carbohydrate, capsule) and like terms C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. X (see page 4, lines 21-33; page 5, lines 11-26; page 8, line 14 – page 9, line 19; claims) 1-15 X (see page 4, lines 21-33; page 5, lines 11-26; page 8, line 14 – page 9, line 19; claims) X (see page 3, lines 6-23; page 7, lines 10-12; page 34, lines 10-20; claims 18-21, 23 and 31) X (see page 3, lines 1-18; claims 17-21 and 23) X (see page 3, lines 1-18; claims 17-21 and 23) X US 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see pargaraphs [0046], [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 X US 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see pargaraphs [0046], [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 X US 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see pargaraphs [0046], [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 X US 2003/0152629 A1 (Shefer A et al) 14 August 2003 (see pargaraphs [0046], [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 1-15 X Further documents are listed in the continuation of Box C X See patent family annex ** Special eargeries of clief documents: or considered to international filling date or after the international filling date or priority date and not in considered to be of particular relevance; the claimed invention cannot be considered or earnot be considered to indevien invention action to econsidered to involve an inventive step when the document is taken document is particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is taken document in earnot be considered to involve an inventive step when the document is taken document in earnot be considered to involve a					
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Special categories of cited documents are listed in the continuation of Box C X See patent family annex	_ x	(see page 3, lines 6-23; page 7, lines	ealth Lin	nited) 6 February 2003 age 34, lines 10-20; claims 18-21, 23 and	1-15
(see paragraphs [0046], [0056] – [0068]; [0080], [0100], [0106]; claims 1, 13 and 23 X Further documents are listed in the continuation of Box C X See patent family annex	x	WO 2003/010297 A1 (Alimentary H (see page 3, lines 1-18; claims 17-21	(ealth Lir and 23)	nited) 6 February 2003	1-15
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention document of particular relevance; the claimed invention cannot be considered novel or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search 28 October 2004 Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pot@ipaustralia.gov.au "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" later document published after the international filing date to priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such document of particular netwance; the claimed invention cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is taken alone To anoth	x	US 2003/0152629 A1 (Shefer A et a (see paragraphs [0046], [0056] – [00	l) 14 Au 968]; [008	gust 2003 80], [0100], [0106]; claims 1, 13 and 23	1-15
accument defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search 28 October 2004 Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au later document published after the international titing date the conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered to or cannot be considered to involve an inventive step when the document is taken alone document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document of particular relevance; the claimed invention or annot be considered to involve an inventive step when the focument is taken T" actually the invention T" Authorized officer STEVEN CHEW	X F	Further documents are listed in the cont	tinuation	of Box C X See patent family ann	ex
"E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search 28 October 2004 Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au "X" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art document member of the same patent family Date of mailing of the international search report 1 2 NOV 2004 STEVEN CHEW STEVEN CHEW	"A" docume	ant defining the general state of the art which is	ca	nflict with the application but cited to understand the princip	oriority date and not in ple or theory
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search 28 October 2004 Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art document member of the same patent family Date of mailing of the international search report 1 2 NOV 2004 STEVEN CHEW	"E" earlier a	application or patent but published on or after the ional filing date	"X" do	cument of particular relevance; the claimed invention canno cannot be considered to involve an inventive step when the	t be considered novel document is taken
"O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search 28 October 2004 Name and mailing address of the ISA/AU Australian Patent Office PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au "&" document member of the same patent family Date of mailing of the international search report 1 2 NOV 2004 STEVEN CHEW	or which	h is cited to establish the publication date of	"Y" do	cument of particular relevance; the claimed invention cannot valve an inventive step when the document is combined will	one or more other
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Name and mailing address of the ISA/AU Authorized officer Authorized officer Authorized officer Authorized officer STEVEN CHEW E-mail address: pct@ipaustralia.gov.au	Date of the act	tual completion of the international search			2004
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au STEVEN CHEW					
Facsimile No. (02) 6285 3929 Telephone No : (02) 6283 2248	AUSTRALIA PO BOX 200,	N PATENT OFFICE , WODEN ACT 2606, AUSTRALIA		STEVEN CHEW	
	Facsimile No.	(02) 6285 3929		Telephone No : (02) 6283 2248	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU2004/001341

	PC1/AU2004	70010 12
C (Continuati	on). DOCUMENTS CONSIDERED TO BE RELEVANT	
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x	WO 1999/017788 A1 (Abbott Laboratories) 15 April 1999 (see page 7, lines 5-8; page 8, lines 1-3; page 12, lines 10-31; claims 10-13)	1-15
x	EP 0904784 A1 (NV Nutricia) 31 March 1999 (see column 2, lines 30-41; column 4, lines 29-28, 40-46; column 5, lines 33-42; column 6, lines 10-22, 44-54; column 7, lines 14-22, 47-49; example 6; claims 1, 2, 4, 6, 12 and 13)	1-15
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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No. • PCT/AU2004/001341

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

	Document Cited in Search Report			Pater	nt Family Member		
wo	2003/026687	CA	2461708	EP	1429802	ÙS	2003096002
WO 2003	2003/010299	BR	0211438	CA	2454805	EP	1409643
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Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX